

THE HONOURABLE SRI JUSTICE P.S. NARAYANA

W.P.No. 12363 OF 2004

Dated: 15-06-2006

BETWEEN:

Grandhi Suvarna Leelavathi Petitioner

And

The Government of A.P. rep. by its Secretary

Municipal Administration, Secretariat, Hyderabad and

another

Respondents

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No. 12363 OF 2004

ORDER:

1 . The writ petition is filed praying a writ of Mandamus or any other writ, order of direction declaring the action of the 2nd respondent as illegal, arbitrary and violative of the fundamental rights guaranteed by the Constitution and further direct the 2nd respondent to conduct technical inspection and submit a report to this court and pass such other suitable orders.

2 . This court directed the parties to maintain status quo on 16-07-2004 in the meanwhile. Certain factual details also had been narrated in the affidavit filed in support of the writ petition. In Para 4 of the counter affidavit, it was stated that the drain is only a side drain to facilitate the free flow of the sullage water which will not be so deep and dangerous to cause any harm to the building. In the public interest already the drain has been constructed before communication of the order since the petitioner also agreed and permitted the staff of the 2nd respondent-Corporation for the construction. It is further stated that since already the construction was completed, the apprehended damage has not been taken place. The interim order already granted to be vacated in the facts and circumstances well explained in the counter affidavit.

3 . In the light of the specific stand taken by the second respondent in the counter affidavit and in view of the fact that in the public interest already the work relating to the drain was completed even prior to the order of the status quo being made by this court and in the light of the specific stand taken in the counter affidavit, the writ petition is devoid of merit and the same shall stand dismissed. No costs.

P.S.NARAYANA,J

15-06-2006

Stp